

## **REMARKS/ARGUMENTS**

### **I. Status of Claims**

Prior to this Amendment, claims 1-17 were pending with claims 1 and 17 being independent. By this Amendment, claims 1, 2 and 17 have been amended.

### **II. Rejections under 35 U.S.C. §103(a)**

#### **Claims 1-3, 5-6, and 17**

Claims 1-3, 5-6, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen et al. (U.S. Pub. No. 2004/0157640 – hereinafter Pirskanen). Applicants respectfully traverse this rejection.

Claim 1 recites a method for initiating uplink signaling proactively by a UE receiving a multimedia multicast/broadcast service (MBMS), the UE receiving information over a MBMS control channel, the method comprising steps of:

“listening to the MBMS control channel;

*initiating an uplink signaling according to the information received over the MBMS control channel;* and

receiving a response message in response to said uplink signaling; and

*wherein the information received over the MBMS control channel comprises an indication for establishing a point-to-point channel used by the MBMS.”* (emphasis added)

In the Final Office Action, on page 4, the Examiner alleges that paragraphs [0011] and [0014] of Pirskanen, disclose *wherein the information received over the MBMS control channel comprises an indication for establishing a point-to-point channel used by the MBMS*. In particular, the Examiner appears to argue that the sheer disclosure of the CELL-DCH mode in paragraph [0011] of Pirskanen as a dedicated control channel<sup>1</sup>, effectuates the disclosure of a point-to-point channel, as well as the

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<sup>1</sup> Applicants respectfully points out that paragraph [0011] of Pirskanen only discloses the CELL-DCH mode as the Cell Dedicated channel state, not as a dedicated control channel, as the Examiner incorrectly alleges.

disclosure of *an indication that there is no information for the MBMS on the MBMS control channel and an indication that the UE doesn't receive information on the control channel*<sup>2</sup>. Applicants respectfully disagree.

More specifically, according to paragraph [0011] of Pirskanen, the CELL-DCH is the Cell Dedicated channel state. Hence, the CELL-DCH has nothing to do with *the information received over the MBMS control channel*, much less *wherein the information received over the MBMS control channel comprises an indication for establishing a point-to-point channel used by the MBMS*. In other words, those skilled in the art cannot be apprised of the subject matter “*wherein the information received over the MBMS control channel comprises an indication for establishing a point-to-point channel used by the MBMS*”, as recited in claim 1 by the sheer disclosure of a channel state of UE, such as the CELL-DCH state, by paragraph [0011] of Pirskanen.

Accordingly, Pirskanen does not disclose, teach, or suggest “*wherein the information received over the MBMS control channel comprises an indication for establishing a point-to-point channel used by the MBMS*”, as recited in claim 1, and thus cannot render claim 1 obvious under 35 U.S.C. §103. The rejection of claim 1 should therefore be withdrawn.

Claim 17 contains subject related to that of claim 1. Accordingly, for at least the same reasons stated above in connection with claim 1, the rejection of claim 17 should also be withdrawn.

The rejection of claims 2-3 and 5-6 should be withdrawn at least by virtue of their dependency from allowable claim 1.

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<sup>2</sup> Applicants respectfully point out that the Examiner's alleged disclosure of *an indication that there is no information for the MBMS on the MBMS control channel and an indication tht the UE doesn't receive information on the control channel has nothing to do* with “*wherein the information received over the MBMS control channel comprises an indication for establishing a point-to-point channel used by the MBMS*”, as recited in claim 1. Therefore, even assuming, *arguendo*, that the Examiner's allegation were true, the Examiner still fails to address the above-quoted subject matter recited in claim 1.

Claims 4 and 7-16

Claims 4 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Ho (U.S. Pub. No. 2003/0236085 – hereinafter Ho). Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Ho, and further in view of Park et al. (U.S. Patent No. 6,782,274 – hereinafter Park). Claims 10 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Marjelund et al. (U.S. Patent No. 7,433,334 – hereinafter Marjelund). Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Koulakiotis et al. (U.S. Patent No. 7,031,694 – hereinafter Koulakiotis) and further in view of Marjelund. Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Koo et al. (U.S. Pub. No. 2002/0110106 – hereinafter Koo) and Wallentin et al. (U.S. Pub. No. 2003/0003895 – hereinafter Wallentin). Claims 14 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Koulakiotis, and further in view of Marjelund and Van Lieshout et al. (U.S. Patent No. 6,850,759 – hereinafter Van Lieshout). Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pirskanen in view of Terry (U.S. Pub. No. 2004/0266447 – hereinafter Terry) and further in view of Van Lieshout.


The rejections of 4 and 7-16 should be withdrawn at least by virtue of their dependency from claim 1, and the fact that the cited secondary references Ho, Park, Marjelund, Koulakiotis, Koo, Wallentin, Terry and Van Lieshout do not cure the above-noted deficiency of Pirskanen.

**III. Conclusion**

In view of the above, it is believed that this application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Should any/additional fees be required, the Director is hereby authorized to charge the fees to Deposit Account No. 18-2220.

Respectfully submitted,



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